

1 can containing 55 pounds of a product purporting to be oil of birch, remaining unsold in the original unbroken package at New York, N. Y., alleging that the article had been shipped on or about October 28, 1920, by T. J. Ray, from Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "(Oil Sweet Birch) * * * From T. J. Ray Medicinal Crude Drugs and Essential Oils Newland, North Carolina."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained synthetic methyl salicylate.

Adulteration of the article, considered as a drug, was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the pharmacopœial standard of strength, quality, and purity as determined by the tests laid down in the said United States Pharmacopœia, official at the time of investigation, and its own standard of strength, quality, and purity was not plainly stated upon the container thereof, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic methyl salicylate, derived from a source other than birch trees, had been mixed and packed with, and substituted in part for, the article.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, to wit, oil of birch. Misbranding of the article, considered as a food, was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, oil of birch.

On December 31, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8979. Adulteration of Mexican Hot. U. S. * * * v. 2 Barrels and 3 Kegs of Mexican Hot
Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13996.
I. S. No. 10436-t. S. No. W-897.)

On or about December 7, 1920, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 barrels and 3 kegs of Mexican Hot, remaining unsold in the original unopened packages at Las Vegas, N. Mex., alleging that the article had been shipped on June 23, 1920, by the Mexican Hot Co., Colorado Springs, Colo., and transported from the State of Colorado into the State of New Mexico, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Mexican Hot," "From the Mexican Hot Company * * * Colorado Springs, Colorado. No injurious ingredients."

Adulteration of the article was alleged in substance in the libel for the reason that saccharin had been mixed and packed with, and substituted in part for, the article, and for the further reason that said article contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render the article injurious to health, and for the further reason that said article was colored in such a manner that its inferiority was concealed.

On January 18, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*